

ESTTA Tracking number: **ESTTA338842**

Filing date: **03/24/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Vision Solutions, Inc.
Granted to Date of previous extension	03/28/2010
Address	15300 Barranca Parkway Irvine, CA 92618 UNITED STATES
Correspondence information	David A. Segal Attorney Gibson, Dunn & Crutcher LLP 3161 Michelson Drive Irvine, CA 92612 UNITED STATES dsegal@gibsondunn.com Phone:949-451-3800

Applicant Information

Application No	77600744	Publication date	09/29/2009
Opposition Filing Date	03/24/2010	Opposition Period Ends	03/28/2010
Applicant	VIZION SOLUTIONS, LLC Suite 200 1230 E. Schaaf Road Brooklyn Hts., OH 44131 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Consultation services in the fields of design, implementation and use of computer hardware and software systems for management of data to track, understand and manage business performance
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2347987	Application Date	09/23/1997
Registration Date	05/09/2000	Foreign Priority Date	NONE
Word Mark	VISION SOLUTIONS		

Design Mark	VISION SOLUTIONS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1996/07/01 First Use In Commerce: 1997/07/01 data mirroring high availability, continuous back-up, monitoring, distribution software developed for mid range platforms

U.S. Registration No.	2358967	Application Date	09/10/1996
Registration Date	06/20/2000	Foreign Priority Date	NONE
Word Mark	VISION SOLUTIONS		
Design Mark	VISION SOLUTIONS		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1996/07/01 First Use In Commerce: 1996/07/01 computer education training services offered only in connection with data mirroring software developed for the mid range platform Class 042. First use: First Use: 1996/07/01 First Use In Commerce: 1996/07/01 computer software installation services offered only in connection with data mirroring software developed for the mid range platform		

Attachments	75361639#TMSN.gif (1 page)(bytes) 75163692#TMSN.gif (1 page)(bytes) visionopposition.pdf (2 pages)(80987 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/david a. segal/
Name	David A. Segal
Date	03/24/2010

Opposer, Vision Solutions, Inc., a Delaware Corporation, located and doing business at 15300 Barranca Parkway, Irvine, California 92618 (hereinafter referred to as "Opposer"), believes that it is or will be damaged by the registration of the mark shown in Serial No. 77/600,744 filed by Vizion Solutions, LLC (hereinafter referred to as "Applicant") and therefore opposes the same.

Description of Applicant's application:

Mark: VIZION SOLUTIONS

Serial No. 77/600,744

Filing Date: 10/26/2008

Date published: 9/29/2009

Goods/Services: Consultation services in the fields of design, implementation and use of computer hardware and software systems for management of data to track, understand and manage business performance.

As grounds for this opposition, it is alleged:

Under Lanham Act § 2(d): Applicant's Mark so resembles Opposer's prior Mark/Registration as to be likely to cause confusion.

1. Opposer is the owner of, and relies on, the following Vision Solutions Marks registrations:

Mark: VISION SOLUTIONS

Registration No.: 2,347,987

Registration Date: May 9, 2000

Filing Date: September 23, 1997

Goods: Data mirroring high availability, continuous back-up, monitoring, distribution software developed for mid range platforms in International Class 9.

Date of First Use: July 1, 1996

Mark: VISION SOLUTIONS

Registration No.: 2,358,967

Registration Date: June 20, 2000

Filing Date: September 10, 1996

Services: Computer education training services offered only in connection with data mirroring software developed for the mid range platform in International Class 41 and Computer software installation services offered only in connection with data mirroring software developed for the mid range platform in International Class 42.

Date of First Use: July 1, 1996

2. These registrations are valid, subsisting, and unrevoked constituting incontestable evidence of the validity of the registered marks and the registrations thereof, and Opposer's ownership of the marks shown therein and Opposer's exclusive right to use the marks in commerce in connection with the goods/services set forth therein, without condition or limitation; it also constitutes notice to Applicant of Opposer's claim of ownership of the marks

shown therein; all as provided in Sections 22 and 33(a) of the Trademark Act of 1946 as amended.

3. In view of the similarity of the respective marks and the related nature of the goods/services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's registered marks, as to be likely to cause confusion or to cause mistake, or to deceive.

4. Opposer's use of its marks in connection with its goods/services have been valid and continuous since at least as early as the dates of first use specified in such registrations and have not been abandoned. Opposer's marks are symbolic of extensive goodwill and consumer recognition built by Opposer through substantial amounts of time and efforts in advertising and promotion. In view of the similarity of the respective marks, Applicant's mark so resembles Opposer's marks used in commerce so as to be likely to cause confusion or to cause mistake or deceive.

WHEREFORE, Opposer requests that Application Serial Number 77/600,744 be rejected and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.